

### **Subpart 1845.3—Providing Government Property to Contractors**

#### **1845.301 Definitions.**

*Facilities*, as defined in the FAR, also include real property and commercially available equipment, whether owned or leased by NASA or reimbursed as a cost under the contract.

*Provide*, as used in this subpart in such phrases as “Government property provided to the contractor” and “Government-provided property,” means either to furnish, as in “Government-furnished property,” or to permit to be acquired, as in “contractor-acquired property.” See FAR 45.101 for definitions of “contractor-acquired property” and “Government-furnished property.”

#### **1845.302 Providing facilities.**

##### **1845.302–1 Policy. (NASA supplements paragraph (a))**

(a) In addition to the exceptions listed in FAR 45.302–1(a), existing NASA-owned facilities (whether contractor acquired or government furnished) being used by a contractor may be retained for the remainder of the contract period and furnished under any follow-on contract for the same effort if the contracting officer determines that to do so would be in the best interest of the Government, provided that:

(i) The facilities are required to accomplish the purpose of the contract;

(ii) The contract contains a provision requiring the contractor to replace any of the facilities that reach the end of their useful life during the contract period, or which are beyond economical repair, if the facilities are still needed for contract performance. Such replacements shall be made with contractor-owned facilities. The contract provision shall also expressly prohibit contractor acquisitions of facility items for the Government, unless specifically authorized by the contract or consent has been obtained in writing from the contracting officer pursuant to FAR 45.302–1(a);

(iii) Consideration has been given to any alternative uses by Government personnel within the agency, in con-

sultation with the center industrial property officer; and

(iv) The contracting officer documents the file with a detailed explanation of why continued furnishing of the facilities is in the best interest of the Government.

(a)(4)(A) The procurement officer is designated to make the determinations and findings (D&F) authorizing the use of Government facilities. See 1845.302–71 for D&F format.

(B) The requirements for a D&F and a prospective contractor's written statement asserting inability to obtain facilities are not applicable in the circumstances listed under FAR 45.302–1(d). In these cases, the contracting officer shall document the contract file with the rationale for providing the facilities, including the reason for not requiring the contractor to provide them.

##### **1845.302–2 Facilities contracts.**

Unless termination would be detrimental to the Government's interests, contracting officers shall terminate facilities contracts when the Government property is no longer required for the performance of Government contracts or subcontracts. Contracting officers shall not grant the contractor the unilateral right to extend the time during which it is entitled to use the property provided under the facilities contract.

##### **1845.302–70 Securing approval of facilities projects.**

(a) Pursuant to NMI 7330.1, Delegation of Authority—Approval Authorities for Facility Projects, the contracting officer must approve facilities projects involving leasing, construction, expansion, modification, rehabilitation, repair, or replacement of real property.

(b) The contracting officer's written authorization is required before any change is made in the scope or estimated cost of any facilities project.

##### **1845.302–71 Determination and findings.**

(a) Procedure. Determination and findings (D&F) required under FAR 45.302–1(a)(4) and 1845.302–1(a)(4) shall be prepared by the contracting officer